

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: The phrase “any of” makes the claim unclear and should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara et al. US 6,066,352 in view of Hasting US 4,534,986.

4. Ogasawara teaches a chicken flavored seasoning composition and method of making the same, which contains an aqueous meat extract, an emulsifier (complex of gelatin with Quillaja saponin) and a conventional sterilization step. Example 16; Column 1, lines 18-20. Ogasawara substitutes sucrose fatty acid ester for the Quillaja saponin and teaches that any glycerin fatty acid ester may be used as an emulsifier in food. Column 1, lines 63-67; Column 16, lines 54-64; Column 17, lines 18-23. The emulsifier complex of the invention is used as most emulsifiers are used—to increase the storage stability of a food item. Column 5, lines 4-46. The food complex may contain an oil-in-water emulsion or a water-in-oil emulsion; in addition, since water is colorless,

Art Unit: 4174

depending upon the amount of oil in a water-in-oil emulsion the emulsion may easily be clear. The product may be a food composition, such as an oil-containing seasoning or the chicken flavored extract of Example 16. *Id.* As stated by Applicants in [0002]-[0006], ultra-high temperature (UHT) sterilization is a known, conventional method of sterilization for liquids; however, Ogasawara does not specifically mention sterilization through UHT.

Hasting teaches a method for the sterilization of liquids, such as meat extracts, fruit juices and vegetable oils, through a UHT treatment. Column 1, 19-27.

Given Ogasawara's use of glycerin fatty acid esters as an emulsifying ingredient in an chicken flavored aqueous seasoning and Hasting's teaching of UHT as a conventional method for the sterilization of a meat extract, it would have been obvious for a person of ordinary skill in the art at the time this invention was made to have created a clear or colorful meat extract with a glycerin fatty acid ester emulsifier and sterilization by a UHT method.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lynnette Kelly whose telephone number is 571-270-3472. The examiner can normally be reached on Monday - Friday EST (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on 571-272-1550. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 4174

Y. Lynnette Kelly
Examiner
Art Unit 4174